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**From:** Rust, Mary [Rust.Mary@epa.gov]  
**Sent:** 6/2/2021 7:11:10 PM  
**To:** Steeger, Thomas [Steeger.Thomas@epa.gov]  
**Subject:** RE: Contact the EPA about Pollinator Protection

Thank you Tom.  
I will send what you suggest.  
-Mary

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**From:** Steeger, Thomas <Steeger.Thomas@epa.gov>  
**Sent:** Wednesday, June 2, 2021 2:22 PM  
**To:** pesticidequestions <pesticidequestions@epa.gov>; Rust, Mary <Rust.Mary@epa.gov>  
**Subject:** RE: Contact the EPA about Pollinator Protection

Hey Mary-- I believe that Mr. Elmore is referring to the treated article exemption as the "loophole"; this includes treated seed. However, there are two petitions in-house regarding the treated article exemption along with a SFIREG issue paper; the latter will be discussed during the full SFIREG meeting next week.

One possible response would be:

Thank you for your email regarding the "coated seed" loophole, and I presume that you are referring to what is known as the "treated article exemption" under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). The term "treated article" typically refers to items (e.g., seeds, lumber) that are treated with a pesticides to protect the item itself. While FIFRA requires the registration of any substance intended to prevent, destroy, repel, or mitigates pests, the Code of Federal Regulations prescribes conditions under which an exemption from registration is allowed for treated articles. More specifically, FIFRA allows an exemption for "an article or a substance treated with or containing a pesticide to protect the article or substance itself (for example, paint treated with a pesticide to protect the paint coating, or wood products treated to protect the wood against insects or fungus infestation), if the pesticide is registered for such use." EPA grants the treated articles exemption for a non-public-health use of a pesticide that is intended to protect only the treated article or substance itself. Historically, EPA has granted such exemptions for treated seeds as such treatments have been considered efforts to protect the seed. There are several petitions that have been submitted to EPA regarding the treated article exemption as it pertains to treated seed and one of these petitions focuses on neonicotinoid-treated seed. EPA appreciates public feedback on actions under agency consideration; therefore, I wanted to extend a thank you for taking the time to provide such input.

-----Original Message-----

**From:** pesticidequestions <[pesticidequestions@epa.gov](mailto:pesticidequestions@epa.gov)>  
**Sent:** Wednesday, June 2, 2021 1:59 PM  
**To:** Steeger, Thomas <[Steeger.Thomas@epa.gov](mailto:Steeger.Thomas@epa.gov)>  
**Subject:** FW: Contact the EPA about Pollinator Protection

Hi Tom,  
This email came in a few weeks ago....not sure how we missed it, but now I would like to respond.  
Do you know what he is referring to? I'd also like to ask for an update on this or anything that would comprise a useful response. Any suggestions are welcome.  
Thanks so much,

Mary

-----Original Message-----

From: [drupal\\_admin@epa.gov](mailto:drupal_admin@epa.gov) <[drupal\\_admin@epa.gov](mailto:drupal_admin@epa.gov)> On Behalf Of James Elmore via EPA

Sent: Thursday, May 13, 2021 6:44 PM

To: [pesticidequestions](mailto:pesticidequestions@epa.gov) <[pesticidequestions@epa.gov](mailto:pesticidequestions@epa.gov)>

Subject: Contact the EPA about Pollinator Protection

Submitted on 05/13/2021 6:43PM

Submitted values are:

Name: James Elmore

E-mail: [jamesedwardelmore@gmail.com](mailto:jamesedwardelmore@gmail.com)

Comments: Hi! Thanks for all you do. If you haven't already, please approve the rulemaking petition, filed 2017 that closes the "coated seed" loophole, covering the vast majority of neonics.